IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

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WRIT PETITION NO : 22045 of 1994

Between:

K.V. Reddy, S/o.Narsimha reddy, Aged about 40 years,

R/o.Miryalaguda, Nalgonda district.

..... PETITIONER

AND

1. The Labour Court-III, Hyderabad rep. by

   Presiding Officer.

2. The Depot Manager, A.P.S.R.T.C.

   Nalgonda Bus Depot.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ in the nature of Writ of Certiorari or any other appropriate writ, call for the records in I.D.No.100 of 1992 on the file of the 1st respondent and quash the same insofar as the denial of back wages, attendant benefits are concerned and consequently direct the 2nd respondent to grant back wages, attendant benefits and other consequential benefits to the petitioner.

Counsel for the Petitioner : MR.P.PRATAP REDDY

Counsel for the Respondents : GP FOR LABOUR

The Court made the following :

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O R D E R:

The Writ Petition is filed challenging the Award dated 21-01-1993 in I.D.No.100 of 1992 passed by the Labour Court-III, Hyderabad.

2. The petitioner was appointed as bus conductor in the respondent-A.P.S.R.T.C. He was removed from service for certain cash and ticket irregularities. Thereafter, he raised an industrial dispute in I.D. No.100 of 1992. The learned Tribunal after considering the material available on record held that the termination of the petitioner was not justified. Accordingly, the Tribunal directed reinstatement of the petitioner with continuity of service, but without back-wages. Against the Award of the Tribunal to the extent of refusing to grant back-wages, the present Writ Petition has been filed.

3. The learned Counsel for the petitioner submits that when once the order of termination was set aside, the employee is entitled for all the wages as if he is in service, therefore, the Tribunal ought to have awarded the back-wages.

4. I am not inclined to accept this contention. It is within the exclusive jurisdiction of

the Tribunal either to award back-wages or to deny the same depending on the facts of each case. In the instant case, the Tribunal found that denying the back-wages would be justified as the misconduct was established and the punishment was held to be disproportionate.

5. Under these circumstances, I do not find any ground to interfere with the award passed by the Tribunal.

6. The Writ Petition is accordingly dismissed. No costs.

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(G.BIKSHAPATHY,J)

Dated: 22-07-2004

gs/ghn

To

1. The Presiding Officer, Labour Court-II, Hyderabad.

2. The Depot Manager, A.P.S.R.T.C. Nalgonda Bus Depot.

3 2CCs to G.P. for Labour, High Court Buildings, Hyderabad (OUT)

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